

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Venkataraman Balasubramanian
Group Art Unit: 1624
Applicants: Charrier, et al.
Serial No.: 09/877,832
Confirmation No.: 9982
Filed: June 7, 2001
For: CASPASE INHIBITORS AND USES THEREOF

Cambridge, Massachusetts
May 11, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION PURSUANT TO 37 C.F.R. § 1.137(b)
FOR REVIVAL OF ABANDONED APPLICATION**

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicants hereby petition for revival of the above-identified patent application.

Following a November 25, 2005 Final Office Action, applicants submitted a Notice of Appeal on April 25, 2006 in the above-identified application. Applicants received an Advisory Action on May 8, 2006. The time for submitting an Appeal Brief was two month from the date of the filing of the Notice of appeal (June 25, 2006), which was extendible by five months to November 27, 2006 (November 25, 2006 being a Saturday and November 26, 2007 being a Sunday). Applicants responded to the Advisory Action on November 27, 2006. A second Advisory Action was mailed on December 15, 2006. This application unintentionally became abandoned as of June 25, 2006 because of applicants' lack of response to the December 15, 2006 Advisory Action. Applicants have submitted herewith a Petition for Revival pursuant to 37 C.F.R. § 1.137(b). In lieu of an Appeal Brief, applicants are submitting herewith a Request for Continued Examination.

As required by 37 C.F.R. § 1.137(b), this petition is accompanied by:

- (1) A reply to the Office Action; and
- (2) A authorization to charge deposit account in the amount of \$1,500.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17(m).

Pursuant to 37 C.F.R. §§ 1.137(c) and (d), this petition is not being accompanying by a terminal disclaimer. This is a utility application that was filed after June 8, 1995. Thus, no terminal disclaimer should be required in connection with this petition.

The entire delay in filing the required Office Action response, from the June 25, 2006 due date until the filing of this grantable petition under 37 C.F.R. § 1.137(b), was unintentional. Accordingly, applicants respectfully request that this petition be granted and the above-identified patent application be revived. Early and favorable consideration of this Petition is respectfully requested.

The Director is hereby authorized to charge any additional fee due, or credit any overpayment, in connection with this petition, to Deposit Account No. 50-0725. A duplicate copy of this Petition is enclosed herewith.

Respectfully submitted,

/Jennifer Che/
Jennifer G. Che (Reg. No. 58,035)
Agent for Applicants
Lisa A. Dixon (Reg. No. 40,995)
Attorney for Applicants
VERTEX PHARMACEUTICALS INCORPORATED
130 Waverly Street
Cambridge, Massachusetts 02139
Telephone: (617) 444-6525
Facsimile: (617) 444-6483